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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JAMES CONNELL, D.V.M.,
RESPONDENT.

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:
: FINDINGS OF FACT,
: CONCLUSIONS OF LAW AND ORDER
:
:

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16 are:

James Connell, D.V.M.
c/o Waukesha Animal Hospital
323 East North Street
Waukesha, Wisconsin

State of Wisconsin Veterinary Examining Board
1400 East Washington Avenue
P. O. Box 8936
Madison, Wisconsin 53708

On January 13, 1982 the Veterinary Examining Board received a stipulation executed by James Connell, D.V.M. and Pamela M. Stach, attorney for the Department of Regulation and Licensing, Division of Enforcement, captioned "In the Matter of Disciplinary Proceedings Against James Connell, D.V.M." That Stipulation, which is attached hereto and made a part hereof, consists of separate Findings of Fact and Conclusions of Law, and provides for issuance by the Board of an Order imposing a limitation on Dr. Connell's license to practice veterinary medicine. Pursuant to the terms of the Stipulation, Ms. Stach appeared before the Board on January 13, 1982 to argue on behalf of the acceptance thereof.

The Board, having read and considered the Stipulation, having heard and considered the oral arguments in support thereof, and having accepted the Stipulation in its entirety, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. James Connell is a veterinarian duly licensed to practice veterinary medicine in the State of Wisconsin. His license bears number 1528 and was granted on June 18, 1976.
2. An investigation of Dr. Connell is currently pending before the Veterinary Examining Board.

3. Dr. Connell has been informed of his right to legal representation and has waived such representation.

4. Dr. Connell is an employee of the Waukesha Animal Hospital, 323 East North Street, Waukesha, Wisconsin, where he practices veterinary medicine.

5. In the course of his veterinary practice, Dr. Connell obtained the substance Talwin for his personal use other than for medical treatment of animal patients.

6. Dr. Connell had no valid prescription for personal use of Talwin.

7. The substance Talwin is a Schedule III controlled substance listed in Ch. 161, Wis. Stats., 1977.

CONCLUSIONS OF LAW

1. The Veterinary Examining Board has jurisdiction in this matter pursuant to Wis. Stats. sec. 453.07.

2. The personal use, misuse, or sale, other than for medical treatment of animal patients, of the drugs listed in Ch. 161, Stats., 1977, constitutes unprofessional conduct within the meaning of VE 3.02(8), Wis. Adm. Code, where those drugs have not been prescribed by a physician for individual use by the veterinarian.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of James Connell, D.V.M. to practice veterinary medicine in the State of Wisconsin be, and hereby is, limited for a period of two years as follows:

1. Dr. Connell shall refrain from the personal use of all alcohol and controlled substances as listed in Ch. 161, Wis. Stats., unless prescribed for a valid medical purpose.

2. Dr. Connell shall immediately enter and continue in a drug treatment program at the Kettle Moraine Hospital or another facility acceptable to the Board. Dr. Connell shall submit to the Board a copy of the treatment program signed by the treating physician and/or counselor at that facility.

3. Dr. Connell shall permit the treating physician and/or counselor to submit written reports regarding Dr. Connell's treatment, conditions, and progress to the Veterinary Examining Board on a monthly basis for the entire period of treatment. These reports shall include an evaluation to be provided after the initial treatment session including a statement indicating that Dr. Connell has no health problems, including drug or alcohol dependency, which would prohibit him from practicing safely and competently as a veterinarian. It shall be the responsibility of Dr. Connell to insure that these reports are submitted on a timely basis.

4. Dr. Connell shall continue in the treatment program until such time as the treating physician and/or counselor determines treatment is no longer necessary. Dr. Connell shall submit a written report from the treating physician and/or counselor to the Board so indicating.

5. All expenses incurred under paragraphs 2, 3 and 4 of this Order shall be the responsibility of Dr. Connell.

6. Weekly, random, monitored blood and/or urine specimens will be collected from Dr. Connell for drug and alcohol screening during the first six months following the effective date of this Order. Upon satisfactory completion of this monitoring period, specimens shall be randomly collected on a monthly basis for a period of 18 months. The monitoring facility shall contact Dr. Connell, collect the specimens and arrange for their evaluation. The facility shall notify the Board immediately if: (1) The evaluation reveals a violation of paragraph 1 of this Order, or, (2) If Dr. Connell fails to provide a specimen upon request.

7. Dr. Connell shall submit to the Board a written statement from the monitoring facility accepting the conditions outlined in paragraph 6, above.

8. All expenses incurred under paragraphs 6 and 7 above shall be the responsibility of Dr. Connell.

9. Dr. Connell shall refrain from ordering, obtaining and using any controlled substances as listed in Ch. 161, Wis. Stats., and shall surrender his D.E.A. registration number in the following manner: Dr. Connell shall sign a surrender form provided by the Veterinary Examining Board and shall permit the Board to submit the surrender form along with a copy of the Board's Final Order to the appropriate federal authorities.

10. Dr. Connell shall not administer, supply, dispense or in any other manner use any controlled substances in the course of his veterinary practice.

11. Should the administration of a controlled substance to an animal patient become necessary during the course of Dr. Connell's veterinary practice, such administration shall be performed by another licensed veterinarian of the Waukesha Animal Hospital.

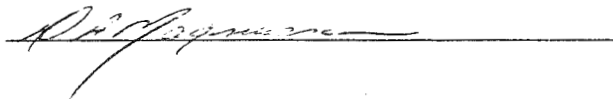
12. Dr. Connell shall submit to the Board a written statement from the managing veterinarian of the Waukesha Animal Hospital accepting the conditions outlined in paragraph 11 above.

13. At any time following a date one year from the effective date of this Order, Dr. Connell may petition the Board for the removal of any and all of these conditions.

14. Violation of any of the conditions or limitations specified herein constitutes a basis for disciplinary action by the Veterinary Examining Board.

Dated this 24TH day of February, 1982.

VETERINARY EXAMINING BOARD

A handwritten signature in cursive script, written over a horizontal line.

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